

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**PETER M. GALLIGAN,**

**PLAINTIFF**

**V.**

**ADTALEM GLOBAL EDUCATION INC. F/K/A  
DEVRY EDUCATION GROUP; ADTALEM  
GLOBAL HEALTH, INC. F/K/A DEVRY  
MEDICAL INTERNATIONAL, INC.; ROSS  
UNIVERSITY SCHOOL OF MEDICINE  
SCHOOL OF VETERINARY MEDICINE (ST.  
KITTS) LIMITED; AND DOES 1 THROUGH 50,**

## DEFENDANTS

[illegible]

**CIVIL CASE No. 1:17-cv-06310**

## JURY TRIAL DEMANDED

**MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT**

Plaintiff Peter M. Galligan (“Plaintiff”) files this Motion for Leave to File Third Amended Complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, as well as pursuant to the Court’s Order of February 4, 2019, and respectfully requests that the Court allow Plaintiff to file his Third Amended Complaint against Defendants Adtalem Global Education Inc. (“Adtalem”) f/k/a DeVry Education Group (“DeVry”), Adtalem Global Health, Inc. f/k/a DeVry Medical International, Inc. (“DeVry Medical”), Ross University School of Medicine School of Veterinary Medicine (St. Kitts) Limited (“RUSVM”), and Does 1 through 50 (Adtalem, DeVry Medical, RUSVM, and Does 1 through 50 are referred to collectively as “Defendants”).<sup>1</sup>

1. Rule 15(a) of the Federal Rules of Civil Procedure permits the amendments of pleadings before trial. Rule 15(a)(2) provides that a district court “should freely give leave” to amend a pleading “when justice so requires.” FED. R. CIV. P. 15(a)(2); *see also Runnion ex rel.*

<sup>1</sup> A copy of Plaintiff's proposed Third Amended Complaint is attached hereto as **Exhibit A**.

*Runnion v. Girl Scouts of Greater Chi. and Nw. Ind.* (7th Cir. 2015). The Supreme Court has clarified that “this mandate [set forth in Rule 15(a)(2)] is to be heeded.” *Foman v. Davis*, 371 U.S. 178, 182 (1962). “In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be ‘freely given.’” *Id.*

2. Plaintiff seeks leave to amend his complaint to reflect the determinations set forth in the Court’s Order of February 4, 2019. Specifically, Plaintiff’s proposed Third Amended Complaint removes the claims which the Court dismissed with prejudice (*i.e.*, Claims 1 and 2) and also supplements certain claims which the Court dismissed without prejudice and permitted Plaintiff the opportunity to replead (*i.e.*, Claims 3, 4, and 5). In addition, Plaintiff’s proposed Third Amended Complaint adds certain facts and allegations not previously pled in further support of Plaintiff’s surviving claims.

3. Despite the time this case has been on file, it is still in its infancy due to the extensive briefing surrounding Defendants’ motion to dismiss last spring. Plaintiff submits that he has not engaged in any undue delay in seeking to amend his complaint, but rather has acted diligently since receiving the Court’s Order of February 4, 2019. Plaintiff also contends that his proposed amended complaint would not prejudice Defendants, as discovery has not yet begun and case deadlines have not yet been set.

For these reasons, Plaintiff respectfully requests that the Court grant this motion and grant him leave to file his Third Amended Complaint.

Dated: March 8, 2019.

Respectfully submitted,

/s/ Michael W. Ford

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- and -

/s/ Emil T. Bayko

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**CERTIFICATE OF CONFERENCE**

I hereby certify that on March 8, 2019, my associate—Alison P. Henderson—emailed Defendants’ counsel regarding the requested relief and attached a draft of Plaintiff’s motion for leave and of Plaintiff’s Proposed Third Amended Complaint. As of the date of filing of this motion, Defendants’ counsel has not responded indicating whether they are opposed or unopposed to the relief sought herein. In the event Defendants’ counsel responds to the email with their position regarding this motion and does not otherwise file a notice regarding their position, we will promptly advise the Court.

/s/ Emil T. Bayko

Emil T. Bayko

**CERTIFICATE OF SERVICE**

I hereby certify that on March 8, 2019, a true and correct copy of the foregoing pleading was electronically filed in accordance with the Federal Rules of Civil Procedure and was served via e-mail upon the following counsel of record:

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/s/ Emil T. Bayko

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